

Amendment No. 1 to SB0639

Southerland
Signature of Sponsor

AMEND Senate Bill No. 639

House Bill No. 407*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 69-9-227(a), is amended by adding the following subdivision:

() "In the aggregate" means the number of nonmotorized vessels by type rented in each agency region;

SECTION 2. Tennessee Code Annotated, Section 69-9-227(b)(1), is amended by deleting the subdivision and substituting the following:

(1) The commission may establish rules, regulations, permits, and procedures regulating only those commercial operations that:

(A) Lease or rent nonmotorized vessels for noncommercial use by the public on the waters of Tennessee; and

(B) In conducting the uses under permit described in subdivision (b)(1)(A), utilize vessel launches or ramps, or other property, owned or managed by the agency.

SECTION 3. Tennessee Code Annotated, Section 69-9-227(b)(2), is amended by deleting the word "or" at the end of subdivision (b)(2)(A), adding the following as a new subdivision (b)(2)(B), and redesignating the existing subdivision (b)(2)(B) accordingly:

(B) Apply to commercial operations permitted by the department of environment and conservation pursuant to a commercial use authorization under § 11-1-118, or other law; or

SECTION 4. Tennessee Code Annotated, Section 69-9-227(c)(2), is amended by deleting the subdivision and substituting:

(2) No later than January 15, 2024, and every January 15 thereafter, an outfitter shall submit an annual report from the agency-required records for uses under permit that occurred during the immediately preceding calendar year. The agency shall accept a report that is submitted as early as December 15 of the year in which the information contained in the report occurred; provided, that the outfitter submitting the report ceased engaging in uses under permit that are required to be reported under this section for the remainder of the year prior to submitting the report. If a report is incomplete, the agency shall provide written notice requesting additional information to the outfitter that submitted the report and the outfitter has thirty (30) days to submit additional information to the agency.

SECTION 5. Tennessee Code Annotated, Section 10-7-504(a), is amended by adding the following as a new subdivision:

(34)

(A)

(i) The following are confidential and not open for inspection by members of the public:

(a) All proprietary information submitted to the wildlife resources agency as part of an application for a permit, or renewal of a permit, to engage in a commercial operation that leases or rents nonmotorized vessels for noncommercial use by the public on the waters of Tennessee, as defined in § 69-9-227; and

(b) Records, other than application materials described in subdivision (a)(34)(A)(ii)(a), containing proprietary information provided to the wildlife resources agency by an outfitter who

leases or rents nonmotorized vessels for noncommercial use by the public on the waters of Tennessee, as defined in § 69-9-227.

(ii) As used in this subdivision (a)(34), "proprietary information":

(a) Means commercial or financial information that is used either directly or indirectly in the business of a person or company submitting information to the wildlife resources agency, and that gives the person an advantage or an opportunity to obtain an advantage over competitors who do not know of or use the information; and

(b) Includes, but is not limited to, information on the number and type of nonmotorized vessels leased each day and daily ridership data.

(B) Subdivision (a)(34)(A) does not limit:

(i) Access to information made confidential pursuant to subdivision (a)(34)(A):

(a) By law enforcement agencies, courts, or other governmental agencies performing official functions; or

(b) When an outfitter expressly authorizes the release of the information; or

(ii) The release of a record made confidential pursuant to subdivision (a)(34)(A) to persons identified within the record, unless the record is subject to a legal privilege against disclosure.

(C) This subdivision (a)(34) is repealed effective July 1, 2033.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.